

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

To be filed under seal
January 28, 2022

By ECF and by e-mail

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, N.Y. 10007

**APPLICATION GRANTED
SO ORDERED** 

VERNON S. BRODERICK

U.S.D.J. 01/28/2022

The sentencing in this matter is rescheduled for
February 1, 2022 at 11:00 AM

Re: *United States v. Sergio Alberto Perez Ponce*, 20 Cr. 678 (VSB)

Dear Judge Broderick:

I write to respectfully request that the Court reschedule sentencing in this matter for a date prior to February 8, 2022. I believe that the information provided by the MDC to the Marshals that Mr. Perez was in quarantine yesterday and unable to be produced for sentencing was incorrect.

Mr. Perez Ponce was originally scheduled to be sentenced on January 5, 2022. At that time, the MDC reported that he was in quarantine, and sentencing was rescheduled for January 27, 2022. On January 26, 2022, the MDC reported to the U.S. Marshals that Mr. Ponce was again in quarantine, and thus could not be produced. The Court accordingly rescheduled sentencing for February 8, 2022. As of today, Mr. Perez Ponce – who is in Unit 53 – is not in quarantine. *See e-mail* from Ass't U.S. Attorney Seth Eichenholtz dated January 28, 2022 (indicating that Mr. Perez-Ponce's unit – Unit 53 – is not under quarantine, and instead is on "normal operations."), attached as Exhibit A. And while I await confirmation from the MDC, I believe Mr. Perez Ponce was not, in fact, in quarantine on January 26, 2022, as reported by the MDC to the Marshals.

Accordingly, if possible, I respectfully request that the Court reschedule sentencing for a date prior to February 8, 2022.

Respectfully submitted,

/s/

Martin Cohen
Ass't Federal Defender
(212) 417-8737

cc: Brandon Harper, Esq., by ECF
Mr. Sergio Perez-Ponce, MDC Register No. 80775-308